REMARKS

Claims 1-6 and 8-10 were rejected under 35 U.S.C. 102(e) as being anticipated by Terry. Applicant respectfully traverses and requests reconsideration.

Claim 1 recites "(d) generating, at that second node, a combined data/acknowledgement packet which contains both an acknowledgement of receipt of the said first data packet by the said second node and also a second data packet intended for delivery to the said first node from the said second node." The Examiner points to the point coordination function (PCF) process taught by Terry. The PCF process uses a point coordinator (PC) to manage contention free periods (CFP). During the CFP, the PC polls nodes to offer the nodes temporary control over the channel. This is accomplished through the transmission from the PC of a polling frame to each node. A node which receives the polling frame during the CFP can respond with a combined acknowledgement (ACK) plus data (ACK+Data) if that node has data to send (back to the PC or to some other node). This is explained in Paragraphs 44 and 45 of Terry.

The Examiner has taken the position that the ACK+Data response sent during the CFP in Terry meets the step (d) claim recitation for generating a combined data/acknowledgement packet. Applicant respectfully disagrees. The teaching in Terry for an ACK+Data response applies ONLY with respect to a frame which is contention-free (i.e., it applies only during a CFP). Applicant, on the contrary, claims the generation of "a combined data/acknowledgement packet" in step (d) in a contention mode process. In this regard, the Examiner's attention is directed to the claim limitations "(a) contending for control of a medium over which data is to be transmitted, by a plurality of nodes in the network; (b) when control of the medium has been established by a first node in the network by said contention in step (a), transmitting a first data packet from that first node, which has control of the medium, to a second node in the network." The operation of step (d) occurs in response to the "first node" having obtained contention mode control over the medium for the purpose of sending a message to the "second node." In this contention mode process, the "second node" can response as claimed in step (d) with "a combined data/acknowledgement packet."

The operation of the claimed process in a contention mode scenario is quite different from the point coordination function (PCF) process and transmission of an ACK+Data response during contention free periods (CFP) as taught by Terry.

Applicant notes that Terry does teach a contention mode process in connection with its distributed coordination function (DCF). However, the ACK+Data response within contention free periods (CFP) is NOT taught by Terry for use in the contention mode distributed coordination function (DCF). In fact, Terry specifically teaches away from using the ACK+Data response when the medium is contention mode controlled by the distributed coordination function (DCF). The Examiner is requested to consider the teaching in Terry Paragraph 55 which states in the context of contention mode DCF: "If the receiving station 54 has a data frame to send, it *must contend* for a transmit slot as above and *cannot piggyback data onto its ACK frame* 48" (emphasis added).

It is Applicant's position that Terry presents a strong technical prejudice against using the ACK+Data response when the medium is in contention mode (i.e., in DCF). The reason for this is the noted different purposes of the PCF and DCF modes in Terry. Terry teaches at Paragraph 7 that the PCF mode is specifically designed to allow for the transmission of large volumes of time sensitive data. The use of CFP's ensures that a polled node has an opportunity to send its data within a certain time period, and the ACK+Data response feature supports efficient use of the channel. However, polling in PCF can result in a waste of channel utilization when the polled nodes have no data to send. The DCF contention mode relies on the nodes who need to communicate contending for access. This helps to maximize channel utilization, especially for less time sensitive traffic, because bandwidth is taken only by those nodes with something to say. The teachings of Terry do not suggest to those skilled in the art any mixing PCF and DCF techniques.

The only teaching or suggestion for using "a combined data/acknowledgement packet" when operation in the context of contention mode access comes from Applicant's own disclosure.

In view of the foregoing, Applicant respectfully submits that claim 1 is patentable over the cited prior art.

New claims 11-20 have been added and are believed to be patentable over Terry because Terry fails to teach or suggest use of "a combined data/acknowledgement packet" in the context of communications sent over a medium accessed in accordance with a contention mode procedure.

Applicant submits that the application is now in condition for favorable action and allowance.

Dated: January 27, 2009   Respectfully submitted,

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